

Entered -12-12-00 - sb
CL 00L0746 - GWENDOLYN BURNS

01- R-0013


CLAIM OF:

TABITHA DORNAL
through her attorney,
Mickiel D. Pete, Esq.
THE PETE FIRM
The Candler Building
127 Peachtree Street, NE
Suite 800
Atlanta, Georgia 30303

For damages alleged to have been sustained when police
conducted an unlawful search in an apartment on September 19,
2000 at 3423 Maynard Court, #264.

THIS ADVERSED REPORT IS
APPROVED

BY:



ROBERT N. GODFREY

DEPUTY CITY ATTORNEY

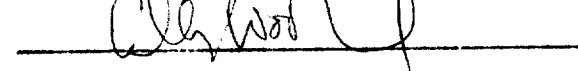
COM P.S. & L.A.

DATE 1/16/01

CIM C. T. Martin













ADVERSED BY
CITY COUNCIL

JAN 16 2001



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

January 25, 2001

Mickiel D. Pete
Attorney at Law
The Candler Building
127 Peachtree St., NE
Suite 800
Atlanta, GA 30303

01-R-0013

RE: Tabitha Dornal

Dear Attorney Pete:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at **(404) 330-6400**.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0746

Date: December 27, 2000

Claimant /Victim TABITHA DORNAL
BY: (Atty) (Ins. Co.) Michiel D. Pete, Esq., THE PETE FIRM
Address: The Candler Building, 127 Peachtree Street, NE, Suite 800, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$ unspecified
Date of Notice: 12/8/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 9/19/00 Place: 3423 Maynard Court, #264
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages when her apartment was wrongfully searched and personal property was damaged by City police during their attempt to carry out a search warrant. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

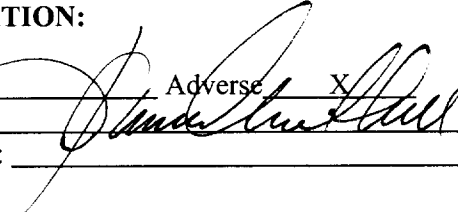
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 12-28-00
Committee Action: Council Action

RCS# 2563
1/16/01
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT
01-R-0013	01-R-0024	
01-R-0014	01-R-0025	YEAS: 13
01-R-0015	01-R-0026	NAYS: 0
01-R-0016	01-R-0027	ABSTENTIONS: 0
01-R-0017	01-R-0044	NOT VOTING: 3
01-R-0018	01-R-0045	EXCUSED: 0
01-R-0019	01-R-0047	ABSENT 0
01-R-0020	01-R-0048	
01-R-0021	01-R-0049	
01-R-0022	01-R-0050	
	01-R-0051	01-R-0052

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Wooldard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE